

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RENO COVA, et al.,)	
)	
Plaintiffs,)	
)	Case No.: 4:16-CV-00675-CEJ
Vs.)	
)	
CHARTER COMMUNICATIONS, INC.,)	
)	
Defendant.)	

VOLUNTARY DISMISSAL

COME NOW Plaintiffs by and through counsel, SWMK Law, LLC, and pursuant to the Federal Rules of Civil Procedure, states as follows:

1. Subject to Rule 23(e), which pertains to voluntary dismissal of a *certified* class, Rule 41 of the Federal Rules of Civil Procedure states that a plaintiff may dismiss an action without a court order by filing a “notice of dismissal before the opposing party before the opposing party serves either an answer or a motion for summary judgment.”

2. Defendant filed its Motion to Compel Individual Arbitration and to Stay Litigation on May 27, 2016. (Doc. # 11.) Defendant’s Motion is the only pending motion before the Court.

3. Defendant has neither filed an answer, nor a motion for summary judgment in this matter.

4. Neither named Plaintiffs nor any purported class member has entered into an agreement with Defendant concerning the instant lawsuit. No discovery has taken place such that the named Plaintiffs, nor any class members have been in a position to discover Defendant’s fraudulent acts as alleged, occurring on or before January 2013. No notice concerning the instant suit has been provided to any purported class members, other than the named Plaintiffs. Thus,

dismissal of the instant action should not adversely prejudice the named Plaintiffs or any purported class members.

Consequently, Plaintiffs request the Court voluntarily dismiss this cause of action immediately, without prejudice.

Respectfully Submitted,

SWMK Law, LLC

By: /s Ryan Horace

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed electronically with the Clerk of the Court to be served via operation of the Court's electronic filing system on August 16, 2016, to the following:

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/s/ Ryan P. Horace